

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-A
	)	
Alpha Media USA LLC	)	FRN: 0025019530
	)	
Licensee of Various Commercial Radio Stations	)	
	)	
	)	

**ORDER**

**Adopted: July 22, 2020****Released: July 22, 2020**

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Federal Communications Commission (the Commission) and Alpha Media USA LLC (Alpha Media). The Consent Decree resolves the Commission's investigation into whether Alpha Media violated section 315(e)(3) of the Communications Act of 1934, as amended (the Act), and section 73.1943(c) of the Commission's rules in connection with the timeliness of uploads of required information to the online political files of certain of its owned and operated radio stations. To resolve this matter, Alpha Media agrees, among other things, to implement a comprehensive Compliance Plan and to provide periodic Compliance Reports to the Bureau.

2. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,<sup>1</sup> and political file obligations have been embodied in section 315(e) of the Act since 2002.<sup>2</sup> Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,<sup>3</sup> or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.<sup>4</sup> Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files "as soon as possible."<sup>5</sup> Section 73.1943(a) of the Commission's Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,<sup>6</sup> and section 73.1943(c) requires stations to upload such information to their online political files "as soon as possible," meaning "immediately absent unusual circumstances."<sup>7</sup>

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<sup>1</sup> See 3 Fed. Reg. 1691 (1938).

<sup>2</sup> 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107-155, 116 Stat. 81 (2002).

<sup>3</sup> 47 U.S.C. § 315(e)(1)(A).

<sup>4</sup> 47 U.S.C. § 315(e)(1)(B).

<sup>5</sup> 47 U.S.C. § 315(e)(3).

<sup>6</sup> 47 CFR § 73.1943(a).

<sup>7</sup> 47 CFR § 73.1943(c).

3. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act<sup>8</sup> and present their positions to the public prior to an election.<sup>9</sup> In addition, as the Commission has stated, “the disclosures included in the political file further the First Amendment’s goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy.”<sup>10</sup>

4. Alpha Media is the licensee of various commercial radio stations across the country. In February 2020, Alpha Media voluntarily informed the Bureau that many of its stations had not uploaded records of requests for the purchase of political broadcast time in a timely manner. Alpha Media’s disclosure was consistent with the information that it provided in multiple license renewal applications filed with the Commission during the current license renewal cycle.

5. Following discussions with Bureau staff earlier this year, Alpha Media informally agreed to adopt a Best Practices Plan and to submit a Compliance Report to the Bureau covering a limited period of time. That Compliance Report revealed a significant improvement by Alpha Media in complying with its political file obligations. Alpha Media has now formally agreed to enter into the attached Consent Decree, pursuant to which Alpha Media admits that it violated its political file obligations by not uploading required records in a timely manner. Alpha Media further agrees to implement a comprehensive compliance plan to ensure future compliance with its political file obligations and to submit periodic compliance reports to the Bureau.

6. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Alpha Media’s compliance with section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

7. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by section 0.61(e) and 0.283 of the Commission’s rules,<sup>11</sup> the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

8. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

9. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be served via electronic mail to Kathleen A. Kirby, Esq., Wiley Rein LLP, counsel for Alpha Media USA LLC, at [kkirby@wiley.law](mailto:kkirby@wiley.law).

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey  
Chief, Media Bureau

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<sup>8</sup> 47 U.S.C. § 315(a).

<sup>9</sup> Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a timely manner. *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

<sup>10</sup> *Id.* at 4543-44, para. 16.

<sup>11</sup> 47 CFR §§ 0.61(e), 0.283.

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In the Matter of Online Political Files of	)	File No.: MB/POL-07072020-A
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<b>ALPHA MEDIA USA LLC</b>	)	FRN: 0025019530
	)	
Licensee of Various Commercial Radio Stations	)	

**CONSENT DECREE**

1. The Media Bureau (Bureau) of the Federal Communications Commission (Commission) and Alpha Media USA LLC (Alpha Media), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation, as defined below, into Alpha Media's compliance with section 315(e)(3) of the Communications Act of 1934, as amended,<sup>1</sup> and section 73.1943(c) of the Commission's rules,<sup>2</sup> relating the maintenance of online political files. As set forth herein, to resolve this matter, Alpha Media agrees, among other things, to implement a comprehensive Compliance Plan and provide periodic Compliance Reports to the Bureau.

**I. DEFINITIONS**

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
  - (b) "Adopting Order" means an Order of the Media Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) "Bureau" or "Media Bureau" means the Media Bureau of the Commission.
  - (d) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
  - (e) "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission.
  - (f) "Compliance Officer" means the individual designated in Paragraph 12 of this Consent Decree as the person responsible for administration of the Compliance Plan.
  - (g) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at Paragraph 13.
  - (h) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of duties that relate to Alpha Media's responsibilities under the Communications Laws, including the Political Programming and Record-Keeping Statutes and Rules.
  - (i) "Effective Date" means the date by which both the Bureau and Alpha Media have signed the Consent Decree.

<sup>1</sup> 47 U.S.C. § 315(e)(3).

<sup>2</sup> 47 CFR § 73.1943(c).

- (j) “Alpha Media” or the “Company” means Alpha Media USA LLC and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (k) “Alpha Media Stations” means all broadcast stations of which Alpha Media is or becomes the licensee during the term of this Consent Decree.
- (l) “Investigation” means the Bureau’s investigation regarding Alpha Media’s compliance with the Political Programming and Record-Keeping Statutes and Rules.
- (m) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Alpha Media to implement the Compliance Plan.
- (n) “Parties” means Alpha Media and the Bureau, each of which is a “Party.”
- (o) “Political Programming and Record-Keeping Statutes and Rules” means 47 U.S.C. §§ 312(a)(7), 315, and 317; 47 CFR §§ 73.1212, 73.1940, 73.1941, 73.1942, 73.1943, 73.1944, and 73.3526; and other provisions of the Act, the Rules, and Commission orders related to political programming and record-keeping.
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

## II. BACKGROUND

3. The Commission first adopted rules requiring broadcast stations to maintain public files documenting requests for political advertising time more than 80 years ago,<sup>3</sup> and political file obligations have been embodied in section 315(e) of the Act since 2002.<sup>4</sup> Section 315(e)(1) requires radio station licensees, among other regulatees, to maintain and make available for public inspection information about each request for the purchase of broadcast time that is made: (a) by or on behalf of a legally qualified candidate for public office,<sup>5</sup> or (b) by an issue advertiser whose advertisement communicates a message relating to a political matter of national importance.<sup>6</sup> Section 315(e)(3) of the Act requires stations to upload information about such requests to their online political files “as soon as possible.”<sup>7</sup> Section 73.1943(a) of the Commission’s Rules requires stations to maintain and make available for public inspection information about all requests for broadcast time made by or on behalf of candidates for public office,<sup>8</sup> and section 73.1943(c) requires stations to upload such information to their online political files “as soon as possible,” meaning “immediately absent unusual circumstances.”<sup>9</sup>

4. It is crucial that stations maintain political files that are complete and up to date because the information in them directly affects, among other things, the statutory rights of opposing candidates to request equal opportunities pursuant to section 315(a) of the Act<sup>10</sup> and present their positions to the public prior to an election.<sup>11</sup> In addition, as the Commission has stated, “the disclosures included in the political

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<sup>3</sup> See 3 Fed. Reg. 1691 (1938).

<sup>4</sup> 47 U.S.C. § 315. See Bipartisan Campaign Reform Act of 2002, P.L. 107–155, 116 Stat. 81 (2002).

<sup>5</sup> 47 U.S.C. § 315(e)(1)(A).

<sup>6</sup> 47 U.S.C. § 315(e)(1)(B).

<sup>7</sup> 47 U.S.C. § 315(e)(3).

<sup>8</sup> 47 CFR § 73.1943(a).

<sup>9</sup> 47 CFR § 73.1943(c).

<sup>10</sup> 47 U.S.C. § 315(a).

<sup>11</sup> Pursuant to section 73.1941(c) of the Rules, candidates have one week from an opponent’s initial “use” to request equal opportunities. 47 CFR § 73.1941(c). The failure by a station to promptly upload information about each “use” denies requesting candidates the notice they need to assert their statutory rights to equal opportunities in a

(continued....)

file further the First Amendment's goal of an informed electorate that is able to evaluate the validity of messages and hold accountable the interests that disseminate political advocacy."<sup>12</sup>

5. Alpha Media is the licensee of 207 commercial radio stations in 44 markets across the country. It is a privately held business.<sup>13</sup> In February 2020, Alpha Media voluntarily informed the Bureau that many of its stations had not routinely been uploading records of requests for the purchase of political broadcast time in a timely manner. Alpha Media's disclosure was consistent with the information that it had provided in multiple license renewal applications, the processing of which the Bureau decided to hold in abeyance pending the outcome of its investigation.<sup>14</sup> Following discussions with Bureau and Commission staff, Alpha Media voluntarily agreed to adopt a Best Practices Plan and submit a Compliance Report to the Bureau covering the five week period spanning the last full week of February and all of March 2020. The Compliance Report that Alpha Media submitted revealed a dramatic improvement by the Company in complying with its political file obligations.<sup>15</sup> Alpha Media achieved a substantial level of compliance during the reporting period which coincided with the March 11, 2020, World Health Organization's classification of COVID-19 as a pandemic and the March 13, 2020, the Presidential declaration of a national emergency. We recognize that this period has placed the radio broadcast industry as a whole under significant financial stress from a dramatic reduction in advertising revenues. The Parties believe that Alpha Media's voluntary disclosure and cooperation, combined with the exceptional circumstances brought about by the COVID-19 coronavirus pandemic, present a unique situation and, on balance, warrant resolution of the Bureau's investigation under the terms and conditions described below. It is in express consideration of these unique conditions that the Bureau, in the exercise of its prosecutorial discretion, forbears from including a civil penalty on the basis of the Alpha Media Stations' noncompliance during their license terms as an element of the Bureau's agreement to enter this Consent Decree.

### III. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** Alpha Media agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In addition, the Bureau agrees to process all license renewal applications filed by Alpha Media during the current renewal cycle (ending on August 1, 2022) subject to ordinary Audio Division, Media Bureau procedures. In consideration for such, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that, in the absence of new material

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timely manner. See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535, 4562 para. 55 (2012).

<sup>12</sup> *Id.* at 4543-44, para. 16.

<sup>13</sup> See, <https://www.alphamediausa.com> reviewed on May 8, 2020.

<sup>14</sup> To date, Alpha has filed 45 license renewal applications during the current license renewal cycle. Of that number, Alpha was able to certify compliance with its public file obligations in only 22 (49%) of its applications. Most, if not all, were attributable to late-filed political records. The applications are listed in Appendix A.

<sup>15</sup> Based on its Compliance Report, Alpha achieved approximately 99% compliance with its political file obligations during the five-week period.

evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against Alpha Media concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.<sup>16</sup>

10. **Admission of Liability.** Alpha Media admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of Paragraph 9 herein, that the statements described in Paragraph 5 are true and that Alpha Media failed to upload required information to its online political files in a timely manner and to otherwise maintain full and complete information in its political files, in repeated violation of section 315(e)(3) of the Act and section 73.1943(c) of the Rules.

11. Alpha Media acknowledges that the Commission or its delegated authority may use the facts which form the basis for this Consent Decree and its admission of liability in proposing any future sanctions against Alpha Media in the event Alpha Media is determined to have committed any violations of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to political programming and record keeping or otherwise.<sup>17</sup>

12. **Compliance Officer.** To the extent it has not already done so, within thirty (30) calendar days after the Effective Date, the Company shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to Alpha Media's Chief Executive Officer on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Political Programming and Record-Keeping Statutes and Rules prior to assuming his/her duties.

13. **Compliance Plan.** For purposes of settling the matters set forth herein, the Company agrees that it shall, within 90 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. The Compliance Plan must implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** The Compliance Plan shall include Operating Procedures that all Covered Employees must follow to help ensure the Company's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Alpha Media Stations upload all required information to their online political files in a timely manner and otherwise maintain full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Political Programming and Record-Keeping Statutes and Rules.

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<sup>16</sup> See 47 CFR § 1.93(b).

<sup>17</sup> Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E).

- (b) Compliance Manual. The Compliance Plan shall include a compliance manual that is distributed to all Covered Employees. Such distribution shall take place no later than 120 calendar days after the Effective Date. The compliance manual shall thoroughly explain the requirements embodied in the Political Programming and Record-Keeping Statutes and Rules, and it shall set forth the Operating Procedures (including the compliance checklist) that Covered Employees must follow to help ensure Alpha Media's compliance with the Political Programming and Record-Keeping Statutes and Rules. The Company shall periodically review and revise the compliance manual as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Company shall distribute any revisions to the compliance manual promptly to all Covered Employees.
- (c) Compliance Training Program. The Compliance Plan shall include a compliance training program to provide periodic training to Covered Employees on compliance with the Political Programming and Record-Keeping Statutes and Rules. As part of the compliance training program, Covered Employees shall be advised of the Company's obligation to report any noncompliance with the Political Programming and Record-Keeping Statutes and Rules under Paragraph 13(f) of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the compliance training program within 150 calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the compliance training program within 30 calendar days after the date he or she becomes a Covered Employee. The Company shall provide training under the compliance training plan on at least an annual basis, and it shall periodically review and revise the compliance training program as necessary to ensure that it remains current, complete, and effective.
- (d) Industry Education. The Company shall cooperate with the National Association of Broadcasters and state broadcast associations, as appropriate, by encouraging and promoting education and training with respect to the Political Record-Keeping Statutes and Rules for radio broadcasters, including small broadcasters or stations with limited resources.
- (e) Compliance Reports. Alpha Media shall submit periodic compliance reports with the Bureau. The first compliance report shall be filed no later than December 10, 2020, and cover the 60-day period preceding the general election on November 3, 2020. A second compliance report shall be filed no later than December 10, 2021, and cover the 6-month period preceding the general election on November 2, 2021. The Bureau may, within its sole discretion, require Alpha Media to submit more frequent or additional compliance reports.
  - i. Each compliance report shall include a spreadsheet and detailed description documenting the Company's efforts during the relevant period to comply with the Political Programming and Record-Keeping Statutes and Rules, and with the terms and conditions of this Consent Decree. In addition, each compliance report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer has personal knowledge that the Company: (i) has established and implemented the Compliance Plan; (ii) has utilized the operating procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in Paragraph 13(f) of this Consent Decree
  - ii. The Compliance Officer's certification shall be accompanied by a statement



explaining the basis for such certification and must comply with section 1.16 of the Rules,<sup>18</sup> and be subscribed to as true under penalty of perjury in substantially the form set forth therein.

- iii. If the Compliance Officer is unable to provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Bureau with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which such proposed remedial action will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- iv. Alpha Media's Chief Executive Officer shall certify that he or she has reviewed each compliance report and that, based on his or her knowledge, the compliance report does not contain any untrue statement of a material fact, does not omit to state a material fact necessary to make the statements made therein, and is not misleading with respect to the period covered by the compliance report.
- v. All compliance reports shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at [Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov); Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at [Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov); and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at [Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov).
- (f) **Reporting Noncompliance.** The Company shall report any instance of noncompliance with the Political Programming and Record-Keeping Statutes and Rules, and any instance of noncompliance with the terms and conditions of this Consent Decree within 10 calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Political Programming staff: Robert Baker, Assistant Chief, Policy Division, Media Bureau, Federal Communications Commission, at [Robert.Baker@fcc.gov](mailto:Robert.Baker@fcc.gov); Gary Schonman, Special Counsel, Policy Division, Media Bureau, Federal Communications Commission, at [Gary.Schonman@fcc.gov](mailto:Gary.Schonman@fcc.gov); and Sima Nilsson, Attorney-Advisor, Media Bureau, Federal Communications Commission, at [Sima.Nilsson@fcc.gov](mailto:Sima.Nilsson@fcc.gov).

14. **Termination Date.** The requirements set forth in this Consent Decree shall terminate 60 days after the filing of the final compliance report referenced in Paragraph 13(e), provided the Bureau is satisfied that Alpha Media has demonstrated substantial compliance with its political file obligations. If the Bureau is not satisfied that Alpha Media has demonstrated substantial compliance with its political file obligations, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months. The Company acknowledges that the Bureau retains the discretion and authority to propose sanctions against Company, including the issuance of notices of apparent liability for forfeitures, for any suspected or alleged noncompliance by Company with the Political Record-Keeping Statute and Rule that occurs during the term of this Consent Decree.

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<sup>18</sup> 47 CFR § 1.16.



15. **Waivers.** As of the Effective Date, Alpha Media waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may have under the Equal Access to Justice Act<sup>19</sup> relating to the matters addressed in this Consent Decree.

16. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

17. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

18. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or Order.

19. **Successors and Assigns.** Alpha Media agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

20. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

21. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

22. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

23. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

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<sup>19</sup> See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

24. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

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Michelle M. Carey  
Chief, Media Bureau

\_\_\_\_\_  
Date

\_\_\_\_\_  
William McElveen  
Alpha Media USA LLC

\_\_\_\_\_  
Date

## APPENDIX A

<u>Station Call Sign</u>	<u>Community of License</u>	<u>Application for License Renewal File No.</u>
WSCZ(FM)	Winnsboro, SC	0000079346
WWDM(FM)	Sumter, SC	0000079344
WPCO(AM)	Columbia, SC	0000079341
WMFX(FM)	St. Andrews, SC	0000079326
WHXT(FM)	Orangeburg, SC	0000079299
WARQ(FM)	Columbia, SC	0000079292
WHHW(AM)	Hilton Head Island, SC	0000079281
WRWN(FM)	Port Royal, SC	0000079286
WUBB(FM)	Bluffton, SC	0000079283
WFXH-FM	Hilton Head Island, SC	0000079278
WNTX(AM)	Fredericksburg, VA	0000073942
WHAG(AM)	Halfway, MD	0000073814
WWUZ(FM)	Bowling Green, VA	0000073898
WVBX(FM)	Spotsylvania, VA	0000073906
WFLS-FM	Fredericksburg, VA	0000073909
WDLD(FM)	Halfway, MD	0000073813
WCEN-FM	Hemlock, MI	0000115472
WTLZ-FM	Saginaw, MI	0000115467
WGER(FM)	Saginaw, MI	0000115459
WSGW-FM	Carrollton, MI	0000115455
WSGW(AM)	Saginaw, MI	0000115449
WROU-FM	West Carrollton, OH	0000115540
WCLI-FM	Enon, OH	0000115531
WING(AM)	Dayton, OH	0000115527
WGTZ(FM)	Eaton, OH	0000115522
WDHT(FM)	Urbana, OH	0000115518
WHBC-FM	Canton, OH	0000115509
WHBC(AM)	Canton, OH	0000115491
WXMA(FM)	Louisville, KY	0000111214
WMJM(FM)	Jeffersontown, KY	0000111207
WGHL(FM)	Shepherdsville, KY	0000111204
WGZB-FM	Lanesville, IN	0000111201
WDJX(FM)	Louisville, KY	0000111194
WKXI-FM	Magee, MS	0000104947
WJQS(AM)	Jackson, MS	0000104959
WJNT(AM)	Pearl, MS	0000104950
WJMI-FM	Pearl, MS	0000104941
WRKS(FM)	Pickens, MS	0000104978
WOAD(AM)	Jackson, MS	0000104970
KDKS-FM	Blanchard, LA	0000104921
KOKA(AM)	Shreveport, LA	0000104913
KLKL(FM)	Minden, LA	0000104930
KBTT(FM)	Haughton, LA	0000104908
WGCO(FM)	Midway, GA	0000091632 as amended by 0000094736
WXYX(FM)	Rincon, GA	0000091627 as amended by 0000094738